



# COMMONWEALTH of VIRGINIA

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February 8, 2016

VIA ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: Comments – Seventh Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, PS Docket No. 09-14

Dear Secretary Dortch:

The Commonwealth of Virginia appreciates the opportunity to submit comments related to the Federal Communications Commission's (FCC) Seventh Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges (dated Dec. 31, 2015, covering calendar year 2014) (the "Report"). Virginia has long prided itself as a national leader in providing 9-1-1 services, and we were greatly distressed to see the Report listed Virginia as one of the states diverting 9-1-1 fees.

The fee distribution practices Virginia reported to the FCC in this year's submission are not new and have been reported in each of the six prior years' submission. These practices were not deemed diversions in the past, but now appear to be considered diversions. The subject report gives no explanation for the change and we respectfully request an explanation and reconsideration of this classification.

Under the sections of the Code of Virginia that concern 9-1-1 funding, Virginia collects a \$0.75 monthly surcharge from all wireless subscribers to fund 9-1-1 services within the Commonwealth. The revenue collected is distributed to cover several 9-1-1 needs. The largest portion (60 percent) of the funding is distributed monthly to the local 9-1-1 centers to support operational expenses. An additional 10 percent of the fund is set aside to provide grants to localities to assist with equipment and services purchases and upgrades. The remaining funding (30 percent) is held to provide cost recovery to commercial mobile radio system (CMRS) providers for the costs of providing Phase 1 and Phase 2 data in Virginia.

Virginia has made adjustments to its funding approach at various points. Two examples seem material to the issue of whether Virginia is diverting funding away from 9-1-1 services.

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First, although initially it seemed reasonable to distribute almost all of the funding locally or to the CMRS providers, it became clear that this ignored the critical role of the Virginia State Police in the processing of 9-1-1 calls. Indeed, when wireless 9-1-1 was first deployed, the Virginia State Police was the center answering the call for the majority of the Commonwealth. Even though local 9-1-1 centers have assumed primary responsibility for answering these calls, the State Police still are transferred more than 211,000 wireless 9-1-1 calls annually for answering and processing. The \$3.7 million transferred in the Virginia Appropriation Act from the fund to the State Police supports this ongoing role in the provision of 9-1-1 services and is not a diversion of funds away from 9-1-1 services. There are only two other call centers in Virginia processing more wireless 9-1-1 calls than the State Police.

Second, fewer CMRS providers sought cost recovery over the last several years and we recognized an opportunity to fund 9-1-1 dispatchers with a portion of this funding. Many dispatchers in Virginia are employees of Sheriffs' Offices and funded through the Virginia Compensation Board. For that reason, the Virginia Appropriation Act also shifts a portion of the CMRS provider funding (\$8 million) to the Compensation Board. The Compensation Board funding directly supports dispatchers in 9-1-1 centers and, in our view, is not a diversion of funds from 9-1-1 services.

In summary, we do not understand this years' report that asserts Virginia is diverting 9-1-1 funding. Virginia has not changed its funding practices this year. The FCC's reports have never before identified Virginia as diverting 9-1-1 funding and the transfers discussed above directly support the receipt and processing of wireless 9-1-1 calls.

The Report does indicate the funding is being used "to support other public safety or emergency response-related programs," but this statement does not fully characterize the situation in Virginia. We believe Virginia's 9-1-1 funding practices follow the spirit and intent of the 9-1-1 funding legislation and should not be considered diversions.

In conclusion, the Commonwealth of Virginia respectfully requests reconsideration of its classification as a state that diverts 9-1-1 funding.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nelson P. Moe". The signature is fluid and cursive, with the first name "Nelson" being the most prominent part.

Nelson P. Moe